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14 **UNITED STATES DISTRICT COURT**

15 **NORTHERN DISTRICT OF CALIFORNIA**

17 ESTATE OF MARK VASQUEZ PAJAS, SR.,  
 18 deceased, by and through ROSEMARY  
 19 LOPEZ, as Administrator; ROSEMARY  
 20 LOPEZ; YVETTE PAJAS; MARK PAJAS,  
 21 JR.; JANEL PAJAS; XAVIER PAJAS,

20 Plaintiffs,

21 vs.

22 COUNTY OF MONTEREY; SHERIFF STEVE  
 23 BERNAL, in his individual and official  
 24 capacity; KING CITY; KING CITY POLICE  
 25 DEPARTMENT; CHIEF TONY SOLLECITO,  
 26 in his individual and official capacity;  
 27 OFFICER STEVE OROZCO, in his individual  
 28 and official capacity; CALIFORNIA  
 FORENSIC MEDICAL GROUP; CHRISTINA  
 KAUPP; and DOES 1-20,

Defendants.

Case No.: 16-CV-00945-LHK

[Assigned to the Honorable Lucy H. Koh –  
Courtroom 8]

**STIPULATED ORDER RE: DISCOVERY OF  
ELECTRONICALLY STORED  
INFORMATION FOR STANDARD  
LITIGATION**

Complaint filed:	February 25, 2016
Discovery Cut-Off:	March 3, 2017
Motion Cut-Off:	June 12, 2017
Trial Date:	October 30, 2017

[Additional Counsel cont. from first page]

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CALIFORNIA FORENSIC MEDICAL

GROUP, INC.; CHRISTINA KAUPP

1     **1.     PURPOSE**

2             This Order will govern discovery of electronically stored information (“ESI”) in this case as a  
3 supplement to the Federal Rules of Civil Procedure, this Court’s Guidelines for the Discovery of  
4 Electronically Stored Information, and any other applicable orders and rules.

5     **2.     COOPERATION**

6             The parties are aware of the importance the Court places on cooperation and commit to cooperate  
7 in good faith throughout the matter consistent with this Court’s Guidelines for the Discovery of ESI.

8     **3.     LIAISON**

9             The parties have identified liaisons to each other who are and will be knowledgeable about and  
10 responsible for discussing their respective ESI. Each e-discovery liaison will be, or have access to those  
11 who are, knowledgeable about the technical aspects of e-discovery, including the location, nature,  
12 accessibility, format, collection, search methodologies, and production of ESI in this matter. The parties  
13 will rely on the liaisons, as needed, to confer about ESI and to help resolve disputes without court  
14 intervention.

15    **4.     PRESERVATION**

16            The parties have discussed their preservation obligations and needs and agree that preservation of  
17 potentially relevant ESI will be reasonable and proportionate. To reduce the costs and burdens of  
18 preservation and to ensure proper ESI is preserved, the parties agree that:

- 19            a)     All ESI created or received between January 2010 through the date of trial will be  
20                    preserved;
- 21            b)     The parties agree that within 14 days of service of a Request for Production of Documents  
22                    and/or Inspection under Federal Rule of Civil Procedure 34, the parties’ ESI liaisons will  
23                    meet and confer concerning the possible sources of ESI, the number and identity of the  
24                    custodians whose ESI is to be searched, and a list of search terms and parameters.
- 25            c)     Any party served with a Rule 34 Request for Production, agrees to make all reasonable  
26                    efforts to produce an initial ESI response within the timeline for production, and to  
27                    identify a date certain by which any remaining ESI will be produced thereafter.

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1     **5.     SEARCH**

2             The parties agree that in responding to an initial Fed. R. Civ. P. 34 request, or earlier if  
3 appropriate, they will meet and confer on the timelines set forth supra in Section 4 (b)-(c), about methods  
4 to search ESI in order to identify ESI that is subject to production in discovery and filter out ESI that is  
5 not subject to discovery.

6     **6.     PRODUCTION FORMATS**

7             The parties agree to produce documents in ☒ PDF, ☒ TIFF, ☒ native and/or ☒ paper or a  
8 combination thereof (check all that apply)] file formats. If particular documents warrant a different  
9 format, the parties will cooperate to arrange for the mutually acceptable production of such documents.  
10 The parties agree not to degrade the searchability of documents as part of the document production  
11 process.

12    **7.     PHASING**

13            When a party propounds discovery requests pursuant to Fed. R. Civ. P. 34, the parties agree to  
14 phase the production of ESI as appropriate, and on the dates agreed upon during the meet and confer  
15 process set forth supra in Section 4 (b)-(c).

16    **8.     DOCUMENTS PROTECTED FROM DISCOVERY**

17            a)     Pursuant to Fed. R. Evid. 502(d), the production of a privileged or work-product-protected  
18 document, whether inadvertent or otherwise, is not a waiver of privilege or protection from discovery in  
19 this case or in any other federal or state proceeding. For example, the mere production of privileged or  
20 work-product-protected documents in this case as part of a mass production is not itself a waiver in this  
21 case or in any other federal or state proceeding.

22            b)     In compliance with the Fed. R. Civ. P. 26(b)(5)(A), the parties agree to produce privilege  
23 logs identifying any withheld documents and/or files on the same day as responsive documents and/or  
24 ESI files are due to be produced.

25            c)     The parties have reached a “clawback” agreement pursuant to Fed. R. Civ. P. 26(b)(5) and  
26 reserve rights to claw back inadvertently disclosed documents as follows: If a party inadvertently  
27 discloses privileged material during production of ESI, the producing party shall immediately notify any  
28 party that received the information of the privilege claim and basis for it. If the claim is contested by the

receiving party, it shall sequester the information and file it under seal along with a regularly noticed motion for a determination of the claim.

**9. MODIFICATION**

This Stipulated Order may be modified by a Stipulated Order of the parties or by the Court for good cause shown.

**IT IS SO STIPULATED**, through Counsel of Record.

Dated: July 21, 2016

HADSELL STORMER & RENICK LLP

By /s/ Cindy Pánuco

Dan Stormer

Joshua Piovia-Scott

Cindy Pánuco

Attorneys for Plaintiffs

Dated: July 21, 2016

CHARLES J. McKEE

County Counsel

By /s/ Michael R. Philippi

Michael R. Philippi,

Deputy County Counsel

Attorneys for Defendants COUNTY OF  
MONTEREY and SHERIFF SCOTT BERNAL

Dated: July 21, 2016

LAW OFFICES OF VINCENT P. HURLEY

A Professional Corporation

By /s/ Vincent P. Hurley

Vincent P. Hurley

Attorneys for Defendants

KING CITY, KING CITY POLICE DEPARTMENT,  
CHIEF TONY SOLLECITO, and OFFICER STEVE  
OROZCO

///

///

1 Dated: July 21, 2016

SHEUERMAN, MARTINI, TABARI, ZENERE &  
GARVIN

3 By /s/ Alan Martini

4 Alan Martini

5 Attorneys for Defendants

CALIFORNIA FORENSIC MEDICAL GROUP, INC.;

6 CHRISTINA KAUPP

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9  
10 **IT IS ORDERED** that the forgoing Agreement is approved.

11  
12 Dated: \_\_\_\_\_

\_\_\_\_\_  
Hon. Nathanael Cousins

13 UNITED STATES MAGISTRATE JUDGE  
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